



HB 511 - SB 841

March 8, 2021

**SUMMARY OF ORIGINAL BILL:** Requires a person convicted of first degree murder in outlined circumstances to be sentenced to imprisonment for life without possibility of parole or death. Outlines jury considerations for imposing such sentences.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

**SUMMARY OF AMENDMENT (004394):** Deletes all language after the enacting clause. Expands the meaning of an act of terrorism to include an act or acts intended, directly or indirectly, to serve as a premeditated, politically motivated act of violence, or violence in pursuit of religious, ideological, or social objectives, perpetrated against first responders, including law enforcement officers, correctional officers, department of correction employees, probation or parole officers, paramedics, firefighters, or other emergency medical rescue workers acting in their official capacity, which results in loss of life. Requires such acts of terrorism to be prosecuted as first degree murder offenses and sentenced as death or imprisonment for life without the possibility of parole.

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**Unchanged from the original fiscal note.**

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 39-13-805, an act of terrorism is a Class A felony offense.
- The average time served for a Class A felony offense is 14.41 years.
- Based on information provided by the Department of Correction, there have been zero Class A felony act of terrorism admissions over the last 10 years.
- Pursuant to Tenn. Code Ann. § 39-11-117(a)(1), first degree murder is one class above a Class A felony offense.
- The proposed legislation applies to offenses committed on or after July 1, 2021.
- Pursuant to Tenn. Code Ann. § 40-35-501(h), there is no release eligibility for a person committing first degree murder, on or after July 1, 1995, and receiving a sentence of imprisonment for life until the person serves 100 percent of 60 years less sentence

credits not to exceed 15 percent, and there is no release eligibility for a person receiving a sentence of imprisonment for life without possibility of parole for first degree murder.

- This analysis estimates the highest cost for admissions in the next 10 years; therefore, any additional time added by the proposed legislation resulting in sentences exceeding 10 years in length surpass the window of this analysis.
- Requiring individuals convicted of first degree murder for an act of terrorism to be sentenced to imprisonment for life without possibility of parole or death may lead to additional incarceration costs sometime after July 1, 2035; however, the number of such additional convictions as a result of this legislation is estimated to be not significant, and thus, the fiscal impact from enhancing the penalty for such crimes is estimated to be not significant.

### **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Bojan Savic". The signature is written in a cursive, slightly slanted style.

Bojan Savic, Interim Executive Director

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